

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

October 20, 21, 2014

AGENDA

CALL TO ORDER

Business Meeting, Monday, October 20, 2014, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.

Kraig DeLanzac, M.D., Louisiana Society of Anesthesiologists, Personal Appearance, Monday, October 20, 2014, 10:00 a.m., Utilization of EKG Technologies to Confirm Tip Placement of Peripherally Inserted Central Catheters.

Personal Appearances, Monday, October 20, 2014, 1:00 p.m.

PUBLIC SESSION

1. MINUTES/PRIOR MEETINGS/CONFERENCES

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.

Report on assignments to counsel.

2. RULINGS AND ADVISORY OPINIONS

Performance of Posterior Tibial Nerve Stimulation by LPN.

3. COMMUNICATIONS AND INFORMATION

Louisiana State Board of Nursing; Utilization of EKG Technologies.

Federation of State Medical Boards, Interstate Medical Licensure Compact.

Louisiana Department of Insurance.

Louisiana Action Coalition; Statewide Summit.

4. GENERAL ADMINISTRATIVE MATTERS¹

Financial Report.

President's Report.

Executive Director's Report.

Athletic Trainer's Advisory Committee; School-Sponsored Athletic Activities.

5. RULES AND REGULATIONS

Final Rules/Amendments: None published since the last meeting of the Board.

Rules/Amendments: Noticed for Intent: Physicians and Surgeons – Office-Based Surgery:

The Board considered suggestions for amendment of its office-based surgery rules. A revised draft incorporating the suggested changes was considered and further suggestions were presented in a revised draft. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Prior to publication of said *Notice of Intent*, staff suggested additional changes at its August 2013 meeting relative to the performance of office-based procedures using moderate or conscious sedation. Pursuant to the Board's instructions, a revised draft incorporating comments and suggestions of Board members and staff was considered by the Board at its December 2013 and its January and February 2014 meeting at which time the Board voted to provide *Notice of Intent* to adopt the rule amendment. Minor changes suggested by staff were presented for the Board's consideration at its June 2014 meeting and upon approval, the Board voted to provide *Notice of Intent* to adopt the rules amendments appeared in the July 2014 edition of the *Louisiana Register*. A request for a public hearing was not received; however two (2) written comments were considered by the Board at its September 2014 meeting. The Board's responses are included in the Legislative Report. Given that the time for an oversight hearing has passed, it is anticipated that the amendments will be adopted upon promulgation in the October 2014 edition of the *Louisiana Register*. **Physicians and**

Surgeons – Collaborating Physicians: The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial review and consideration at

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its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and consideration, the Board elected to preview the draft to several professional organizations (LSMS, LMA, and LAFP) and the Louisiana State Board of Nursing. Revised drafts (annotated/clean) incorporating certain suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending receipt of additional suggestions. Additional revisions to the draft were offered by the Board during the May and June 2014 meeting. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board voted to provide *Notice of Intent* to adopt the rules. Said *Notice of Intent* appeared in the August 2014 edition of the *Louisiana Register*. A number of written comments were received during comment period and a public hearing was held on September 24, 2014 to receive comments, views, arguments and data on the proposed rules. **Physicians and Surgeons – Unprofessional Conduct:** During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself or herself as a specialist in a particular field of practice with appropriate formal training in that field. Pursuant to the Board's direction, a draft of such rules is being prepared for initial review and consideration. The draft also includes a prohibition against a physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. A draft was submitted for the Board's review at its August and September 2013 meetings. At its October 2013 meeting, the Board determined to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the amendments on unprofessional conduct in the *Louisiana Register*. Prior to publication, additional information is being sought. Staff presented additional information concerning self/immediate family-prescribing of controlled substances at its June 2014 meeting. Following review and discussion, the Board elected to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. It is anticipated that such *Notice of Intent* will appear in the October 2014 edition of the *Louisiana Register*. **Occupational Therapy:** The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by Board staff, and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification have been received and incorporated into the draft. In sum the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. At the July 2014 meeting, a draft was presented for initial review and consideration. At its August 2014 meeting, the Board considered additional revisions suggested by staff, and, thereafter, elected to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. **Physicians and Surgeons – Telemedicine:** Act 442 of the 2012 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board during its July 2014 meeting for consideration and discussion. A revised draft was presented for consideration and discussion at its August 2014 meeting, at which time the Board voted to provide *Notice of Intent* to adopt the amendments. A draft containing technical and one substantive change is presented for review and discussion. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*.

Rules/Amendments under Development: The following rules are under

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consideration by the Board. **Midwifery:** Given changes to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, staff anticipates presenting revisions to its existing rules in due course for the Board's consideration and discussion.

EXECUTIVE SESSION

1. **MALPRACTICE COMMITTEE REPORT**
Professional liability reports.
2. **REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION**
Investigation reports.
Formal hearings and personal appearance schedule.
3. **LITIGATION**
Reports on pending appeals/suits/petitions.
4. **ADJUDICATION REPORT**
5. **GENERAL DISCIPLINARY MATTERS**
Review of requests for reinstatement to full, unrestricted status, off probation.
Review of request for additional supervising physician.
6. **LICENSURE AND CERTIFICATION**
Clinical Laboratory Personnel, non-routine applicants.
Graduates of International Medical Schools
Non-routine applicants.
Graduates of US/Canadian Medical Schools
Non-routine applicants.
7. **ADVISORY OPINIONS**
Review of request for advisory opinion from AG's office.
8. **NEXT MEETING**
Next meeting of the Board – December 8, 9, 2014.